THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 35012 of 1998

DATE: 30-03-2007

Between :

M.Kashamma

… Petitioner

And

The District Panchayat Officer,
Mahabubnagar,
Mahabubnagar District and 3 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 35012 of 1998

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in trying to dispossess the petitioner from her property in Sy.No.517 to an extent of Ac.1.02 cents situated at Peddakothapalle village and Mandal, Mahbubnagar District without following due process of law is arbitrary and illegal.

In response to the Rule Nisi ordered, a counter affidavit has been filed by the Mandal Revenue Officer, Peddakothapalle stating that the land in question was assigned in favour of the petitioner's mother and on the death of her mother the petitioner who had succeeded to the said property, left the same fallow for the past
7 years. Since the said land is required for a public purpose, the Mandal Revenue Officer after issuing a notice to the petitioner vide order dated 27-07-1998 passed an order of resumption and pursuant thereto, the possession of the land in question was also taken on
31-07-1998.

It is to be noted that the present writ petition was filed much thereafter on 16-12-1998 and the interim stay of dispossession was granted by this Court on 22-12-1998.

In view of what has been stated in the counter affidavit, the relief as prayed for cannot be granted since an order of

resumption has already been passed long back.

Accordingly, granting leave and liberty to the petitioner to challenge the order of resumption by working out the appropriate remedy available under law, the writ petition is disposed of. No costs.

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G. ROHINI, J

Dt.30-03-2007
KLP